

BERLIN RESOLUTION (MARK-UP) ¹

[Editor's Note.—Following the Berlin crisis of 1961, negotiations between the Soviet Union and the Western allies over the status of that divided city proceeded slowly. In August 1962, the Soviet Union again stirred the issue by abolishing the office of commandant of Soviet troops in East Berlin, in preparation for turning command over to East Germany. The situation in Berlin became further inflamed when East German border guards shot civilians fleeing across the Berlin Wall to West Berlin, and harassed Western air and ground traffic to West Berlin.

The Kennedy administration reiterated its intentions of defending allied rights in West Berlin at all costs. Congress responded with House Concurrent Resolution 570, authorizing the President to use "whatever means may be necessary, including the use of arms." The House passed the resolution on October 5, by a vote of 311-0, and the Senate adopted it by voice vote on October 10.]

WEDNESDAY, OCTOBER 10, 1962

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:40 a.m., in room F-53, U.S. Capitol Building, Hon. John Sparkman presiding.

Present: Senators Sparkman, Humphrey, Mansfield, Morse, Long, Lausche, and Williams.

Also present: Mr. Marcy, Mr. Holt, and Mr. St. Claire of the committee staff.

Senator SPARKMAN. The committee will take up for consideration House Concurrent Resolution 570 and Senate Concurrent Resolution 97. Let the record show that the committee met and Senator Morse entered a motion to report out—

Senator MORSE. Report out the Javits-Morse resolution, as amended by the House.

Senator SPARKMAN. Senate Concurrent Resolution 97, as amended to conform with the language of the amendment.

Mr. MARCY. Mr. Chairman, in each of your folders you have Senate Concurrent Resolution 97, which is the Javits-Morse resolution, and on the second page are shown the only changes made by the House in it. So, in effect, you would be reporting out the House resolution with those changes.

Senator SPARKMAN. That is right.

BERLIN IS NOT NEGOTIABLE

Senator LAUSCHE. What is the urgency of this? First of all, has the administration expressed to you that they want—

¹ See Appendix F.

Senator MORSE. No more than they did in regard to the Cuban resolution. It is parallel to the Cuban resolution.

As I said on the floor the other day, what you have to watch out for is the charge that Berlin is negotiable in regard to the Cuban situation, and I think we ought to take a stand for the protection of freedom in Berlin as much as in Cuba, and all this does is just advisory to the President. All this does is say that we are back of the protection of freedom in Berlin just as in Cuba.

Senator LAUSCHE. I am going to read this:

"Whereas the primary purpose of the United States in its relations with all other nations is and has been to develop and sustain a just and enduring peace for all,"

"Whereas, it is the purpose of the United States to encourage and support the establishment of a free, unified, and democratic Germany,"

"Whereas, in connection with the termination of hostilities in World War II the United States, the United Kingdom, France, and the Soviet Union freely entered into binding agreements under which the four powers have the right to remain in Berlin, with the right of ingress and egress, until the conclusion of a final settlement with the Government of Germany," that is factual; there has been no settlement.

Senator MORSE. That is right.

Senator LAUSCHE. And, "whereas no such final settlement has been concluded by the four powers and the aforementioned agreement continue in force," now then, on that score, how do the Germans answer that, do they claim we made a settlement with West Germany and are, therefore, vulnerable, Carl? At the top of the page—

Mr. Marcy. Yes.

Senator LAUSCHE. "Now, therefore, be it resolved by the House of Representatives (the Senate concurring) that it is the sense of the Congress,

(a) that the continued exercise of United States, British, and French rights in Berlin constitute a fundamental political and moral obligation," do they have the word "purpose" in the House?

Senator SPARKMAN. No, "obligation." They have the word "obligation."

Senator LAUSCHE. Because it is more than a purpose.

Senator MORSE. We have "obligation."

Senator SPARKMAN. "Obligation" is to conform to the House version. There is a copy of the House resolution in your folder. They have "determination," Carl.

Mr. MARCY. That is right. I beg your pardon, that is an error; that should be "determination."

Senator SPARKMAN. Yes.

Senator LAUSCHE. "That the continued exercise of United States, British and French rights in Berlin constitutes a fundamental political and moral determination."

Mr. MARCY. Yes.

Senator LAUSCHE. "(b) That the United States would regard as intolerable any violation by the Soviet Union directly or through others of those rights in Berlin, including the right of ingress and egress," I agree with that.

"(c) That the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to defend the rights and freedom of the people of Berlin."

Do you think we ought to go so far as to—

LANGUAGE OF THE HOUSE BILL

Senator SPARKMAN. Wait. The House bill differs from that a little, "and to fulfill our commitment to the people of Berlin with respect to their resolve for freedom."

Senator MORSE. I want the House language.

Senator LAUSCHE. I have the House language.

Mr. MARCY. I must apologize because it passed the House without amendment, and now checking I discovered that the language which the House Foreign Affairs Committee reported out is not the same as that which is in the resolution before you, House Concurrent Resolution 570 which has been referred to this committee.

Senator MORSE. I want the House language.

Senator SPARKMAN. This is the way the House passed it.

Mr. MARCY. I think you had all better be referring to House Concurrent Resolution 570 as it was referred on October 8, and showing "attest: Ralph R. Roberts, Clerk."

Senator MORSE. "To fulfill our commitment to the people of Berlin with respect to their resolve for freedom," that is what I want.

All my motion is that we modify the Javits-Morse resolution to conform to the House resolution, and pass it.

Senator SPARKMAN. We have to report the House resolution back in order to—

Senator MORSE. We can do that in the Senate.

Senator SPARKMAN. It is in this committee, and we have to put it on the calendar.

Senator MORSE. We can put the Javits-Morse resolution, as amended, on the calendar, and then in the Senate move to substitute the House resolution.

Senator WILLIAMS. Wouldn't it be simpler to just report the House resolution if that is what you want and just be done with it?

Senator SPARKMAN. Can we do that with this in the committee and with it not on the desk? If this were lying on the desk, we could.

Senator MORSE. We do it with bills all the time.

Senator MANSFIELD. You can do it either way.

Senator MORSE. I think you ought to vote out of your committee your own Senate resolution and then substitute it.

Senator SPARKMAN. I would agree.

COMMITMENTS TO BERLIN

Senator LAUSCHE. How did we commit ourselves to the people of Berlin with respect to their resolve for freedom? Is that a commitment made separate and apart from the agreement under which the four powers were occupying—

Senator MORSE. No.

Senator MANSFIELD. Those were commitments made by two Presidents of the United States.

Senator LAUSCHE. That is as I understood it.

Senator SPARKMAN. That is, commitments made from time to time and not as a part of it.

Senator LAUSCHE. So we are dealing with two things: We are affirming we will insist on our rights—

Senator SPARKMAN. Under the Four Power Pack.

Senator LAUSCHE. All right.

CONGRESS SUPPORTS THE PRESIDENT

Senator MORSE. All we are saying, Frank, is "Mr. President, we want you to know the Congress is behind you." That is all this means.

Senator LAUSCHE. I suppose that unless we agree with the House we will have no resolution at all.

Senator MORSE. That is right.

Senator LAUSCHE. I do think this man Curtis over there had an improvement on the bill.

Senator MORSE. But you cannot get it now.

Senator LAUSCHE. You see, he says that the Congress regards violation of U.S. rights in Berlin as contrary to its vital interests and supports the President in his determination to prevent—well, I wouldn't put it that way; that is, I am not doing it because the President says it, but I think we ought to insist upon our rights by whatever means necessary, including the use of force. I mean the violation of these rights by the Soviet Union directly or through others.

Senator SPARKMAN. If I were writing it I would put it, one, to support the President in his determination to do these things. But it has already passed the House in this other form, and I would suggest that we keep it.

Senator MORSE. The only way is to get something, anything. I think it is a bad thing to adjourn with nothing on Berlin in connection with our resolution on Cuba.

SUBSTITUTE THE HOUSE RESOLUTION

Senator LONG. If you are going to modify anything at all in the Senate resolution to conform to the House resolution, you need no change in section (c). Section (c) of the Senate resolution was exactly, up until the time that our staff got confused about the matter, the same as the House section (c).

Section (b) was exactly the same, and the only change would be one word in section (a), is the best I can make of it, the word "purpose" to be changed to "determination."

Senator SPARKMAN. Yes; whatever change is made we will ask the staff to make the language of Senate Concurrent Resolution 97 to be identical with the language of House Concurrent Resolution 570.

Senator MORSE. Then when you get to the floor of the Senate you substitute the House resolution.

Senator SPARKMAN. And complete action on that.

Senator LAUSCHE. Then, in substance, it would mean—

Senator LONG. You are only changing one word.

Senator LAUSCHE. Yes.

Mr. MARCY. That is right.

PLEDGES BY TRUMAN, EISENHOWER, AND KENNEDY

Senator LAUSCHE. We would insist upon the enjoyment of the rights granted to us under the Four Power Pact, and that we re-declare our purpose to keep our commitment made by the two Presidents to the people of West Berlin, is that about it?

Senator SPARKMAN. I guess it really has been made by three Presidents, because Truman, take the 1949 airlift—

Senator LAUSCHE. Has Kennedy made that statement?

Senator MORSE. Yes.

Senator SPARKMAN. Yes; you take the airlift itself, the statements made in connection with that were to the effect that we would not leave them alone, and we carried on the airlift, that was during Truman's administration.

Then, of course, during the Eisenhower administration and during the Kennedy administration.

Senator LAUSCHE. Yes.

Senator SPARKMAN. There really have been three Presidents' statements.

Well, without objection, the motion is agreed to.

USE OF ATOMIC WEAPONS

Senator LAUSCHE. Let me come back to this resolution, if I may. If somebody says to me, "Aren't you declaring by this resolution that you will use atomic weapons," now, I can answer in two ways, yes, that is our declaration absolutely. Two, we will use atomic weapons, by the language of this resolution, when it is necessary.

Senator MORSE. My answer to you is that we are saying we are backing the President in the use of whatever weapons as Commander in Chief he decides has to be used. That is all we are saying.

Senator LAUSCHE. In my judgment, we do not absolutely declare that when the right is violated that ipso facto we are going to use atomic weapons.

Senator MORSE. That is right. We do not declare it.

Senator LAUSCHE. We do not declare it.

Senator MORSE. We have no right to.

Senator LAUSCHE. This language "by whatever means may be necessary," connotes that we will only use atomic weapons when it becomes necessary.

Senator MORSE. When it becomes necessary.

Senator LAUSCHE. Because I am not going to be in the position to say at the moment these rights are violated, we are going to use atomic bombs.

Senator MORSE. We are not saying that.

Senator LONG. I want to raise something else. I want to raise, before we vote this resolution out—

Senator MORSE. We voted it out.

Senator SPARKMAN. Yes.

Senator SPARKMAN. Yes.

Senator HUMPHREY. With the House language?

NOT A TRADE OF CUBA FOR BERLIN

Senator LONG. I still want to raise this question, because the whole idea of this resolution is that this is not a trade of Cuba for Berlin. That issue has come up.

My impression has been in the discussions I have heard from people who have been down at the White House and discussed this matter at all that our people feel that at such time as we move on Cuba, assuming that we make that move, and I am not trying to prejudice it one way or the other, but the Soviet Union is not going to sit still. They are going to move somewhere.

Senator LAUSCHE. You are assuming that?

Senator LONG. Yes, that they are likely going to tell you that, either directly or through an intermediary they are going to tell you, "Don't misunderstand. We know you can take Cuba, but there are a lot of things we can take. Berlin is one of them." But a lot of things the committee has been furnished information—but Berlin is the easiest plum for them to take sitting out there for them to grab it.

It seems to me that at such time as we move on Cuba they are likely to just tell us, "Now, whatever force you think is necessary to take Cuba we are going to use an equal amount necessary to take Berlin."

That is just a way of checking it. This resolution puts it on that basis, that we are ready to go to war over Berlin, and if we move on Cuba and they move on Berlin, let us face it, that is what we are voting that we will not accept any solution except victory in Berlin. Where does that put us on Cuba?

STRENGTHENING THE PRESIDENT'S HAND

Senator MORSE. Let us look at it this way. All we are doing here is strengthening the President's hand in this international negotiations, whatever they may be between now and the time Congress reconvenes. All we are saying is, "Mr. President, we are behind you on Berlin as we are behind you on Cuba." That is all this means.

Senator SPARKMAN. I would not equate one with the other.

Senator MORSE. No, sir.

Senator SPARKMAN. This is solely Berlin regardless of whether we move on Cuba or not. If they move on Berlin we are going to meet them with whatever force is necessary to carry out our commitments.

Senator LAUSCHE. When you assume we are going to move on Cuba, all of the words of the President have been contrary to that.

Senator SPARKMAN. I am not assuming we are. As a matter of fact, I believe if we can get this CAS moving or keep it moving in the direction that it is moving now, we can put a squeeze on Cuba that they cannot possibly live through.

THE ADMINISTRATION'S POSITION

Senator LAUSCHE. As far as I have been able to ascertain, this is the position of the administration:

1. We are going to use the embargo method to the fullest extent possible.

2. We are not going to suffer any overt act against Panama, Guantanamo Bay, any interference with our Canaveral operations, and overt act against citizens of the United States.

Now, that is my understanding.

Senator HUMPHREY. And any overt aggression against any of the neighbors of ours, the Latin Americans.

Senator LAUSCHE. Yes, overt action.

Senator MORSE. Frank, if you want my opinion, and I have nothing to back it up, but I think I put in the record yesterday Walter Lippmann's column on Cuba, and my hunch is that Walter Lippmann's column on Cuba yesterday set out the administration's policy. I think it is a fine statement, and I just have a hunch that Walter Lippmann presented the policy of this Government as of now. It is a very sound policy and it bears out what you have just said we are going to use the embargo, we are going to stop their spreading their doctrine to other Latin American countries. If they come in and make an act of aggression we are going to answer it, and that is it. That is my guess.

TRANSPORTING MILITARY EQUIPMENT OUT OF CUBA

Senator LAUSCHE. There was one omission that I have been concerned about. What are we going to do in the event they begin transporting military equipment out of Cuba into let us say, Haiti or—

Senator MORSE. We stop it.

Senator LAUSCHE. That would not seem to be in the resolution, it would not seem so to me.

Senator MORSE. Oh, yes. That was the agreement of Punta del Este. That was within it.

Senator LAUSCHE. It is in it?

Senator MORSE. Yes.

Senator SPARKMAN. I think it is clearly within the limits of the resolution. We say to export none of their aggressiveness.

Senator LAUSCHE. Rusk tried to hold himself flexible on that when he was before our committee.

Now, frankly, I do not see how you can now on our part go into Cuba. If we had done it the moment those ships were going in carrying missiles, I could understand it. But now you have a different psychological situation, and we have to wait for an overt act before we do anything.

Senator SPARKMAN. I think, I know that the course that the administration has followed has been one that has not taken well with a great part of the public in this country, but I cannot help but believe that it is right, because of our past experience in Latin America. They still think of us as the Gringo Imperialist of the North, and they think of intervention and all of those things, and I think we have pursued the right course even though it has been a different one.

OK, the committee is adjourned.

[Whereupon, at 11:15 p.m., the committee adjourned.]

